

REMARKS

This Application has been carefully reviewed in light of the Advisory Action dated November 3, 2005. In order to advance prosecution of the present Application, Claims 1, 11, 16, 19, and 20 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

The Examiner issued a Final Action on August 18, 2005. Applicant submitted a Response to Examiner's Final Action on October 18, 2005. The Examiner issued an Advisory Action on November 3, 2005 stating that the Response to Examiner's Final Action would not be entered because it raised new issues requiring further searching and consideration. Applicant respectfully requests continued examination of this Application so that the Response to Examiner's Final Action be entered and considered by the Examiner pursuant to this Request for Continued Examination. For the convenience of the Examiner, the amendments made to the claims in the Response to Examiner's Final Action and the accompanying comments are repeated herein.

Claims 1-10 and 16-20 stand objected to under 37 C.F.R. §1.75 for various informalities. Independent Claims 1, 16, and 20 have been amended to address informalities identified by the Examiner. Claim 19 further limits Claim 16 by requiring a table of incoming link and path identifiers and of outgoing link and path identifiers to be maintained by at least one of the first and second data switches. Therefore, Applicant respectfully submits that Claims 1-10 and 16-20 are in accordance with 37 C.F.R. §1.75.

Claims 17, 18, and 20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Independent Claim 16, from which Claims 17 and 18 depend, and Claim 20 has

Therefore, Applicant respectfully submits that Claims 17, 18, and 20 are in accordance with 35 U.S.C. §112, second paragraph.

Claims 1-3, 6, and 8-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Haskin, et al. Independent Claims 1 and 16 recite in general an ability to establish a downstream protection path associated with the working path and establish an upstream reverse notification path for signal traffic separate from the protection path and associated with said working path. Independent Claim 11 similarly recites an upstream data link for sending an upstream reverse notification message that is separate from a protection path. By contrast, the Haskin, et al. patent merely provides a working path (e.g., 13-35-57) and an alternate protection path (e.g., 13-35-53-31-12-24-46-67) between an originating switch and a destination switch for data transport. The Haskin, et al. patent does not provide a reverse notification path separate from its protection path as required by the claimed invention. Support for the above recitation can be found at page 11, lines 15-19, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1-3, 6, and 8-20 are not anticipated by the Haskin, et al. patent.

Claims 4 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Haskin, et al. in view of Lee, et al. Independent Claim 1, from which Claims 4 and 5 depend, has been shown above to be patentably distinct from the Haskin, et al. patent. Moreover, the Lee, et al. patent does not include any additional disclosure combinable with the Haskin, et al. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 4 and 5 are patentably distinct from the proposed Haskin, et al. - Lee, et al. combination.

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Haskin, et al. Independent Claim 1, from which Claim 7 depends, has been shown above to be patentably distinct from the Haskin, et al. patent. Therefore, Applicant respectfully submits that Claim 7 is patentably distinct from the Haskin, et al. patent.

Attached herewith is a check in an amount of \$790.00 made payable to the "Commissioner of Patents and Trademarks" to satisfy the request for continued examination fee of 37 C.F.R. §1.17(e).

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CONCLUSION

Applicant has now made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

The Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,
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